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Attorneys for Defendants Hargett Materials, Inc.,
Jon Hargett, Tom Martin, Leanne Martin, and
Knights Consulting & Technical Services, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GST INTERNATIONAL, INC., a Nevada
corporation,

Plaintiff,

v.

TOM MARTIN, an individual; BRANDON
RAPOLLA, an individual; KNIGHTS
CONSULTING & TECHNICAL SERVICES,
INC., a Nevada corporation; LEANNE MARTIN,
an individual; HARGETT MATERIALS, INC., a
Tennessee corporation; JOHN HARGETT, an
individual; and DOES 1 through 50, inclusive;

Defendants.

Case No. 3:21-cv-00285-MMD-CLB

**STIPULATION AND ORDER
REGARDING FIRST AMENDED
COMPLAINT, ANSWER, AND
WITHDRAWAL OF MOTION FOR
PRELIMINARY INJUNCTION**

WHEREAS, on June 28, 2021, Plaintiff GST International, Inc. ("Plaintiff") filed its complaint and motion for temporary restraining order and preliminary injunction ("Motion");

WHEREAS, on July 21, 2021, Defendants Tom Martin, Knights Consulting & Technical Services, Inc., LeeAnne Martin, Hargett Materials, Inc., and Jon Hargett ("Defendants") filed and served their opposition to Plaintiff's Motion;

WHEREAS, Defendants' motion to compel arbitration, answer, or other responsive pleading is currently due on August 4, 2021;

WHEREAS, a hearing on Plaintiff's Motion is set for September 21, 2021 ("Hearing");

WHEREAS, Plaintiff wishes to withdraw the Motion without prejudice, vacate the

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1 Hearing, and file a first amended complaint, and Defendants have consented to the same;

2 NOW, therefore, the parties STIPULATE and AGREE as follows:

- 3 1. The Motion is hereby WITHDRAWN without prejudice;
- 4 2. The Hearing scheduled for September 21, 2021 is hereby VACATED;
- 5 3. Plaintiff shall have until August 25, 2021 to file and serve its first amended complaint; and
- 6 4. Defendants shall have until September 18, 2021 to file and serve their answer or other
7 responsive pleading.

8 Pursuant to LR IA 6-1, the parties state that this is the second extension of any deadline
9 sought in this case, and the first stipulation of any kind as to the filing of a first amended
10 complaint. Good cause exists for this stipulation, as (1) Plaintiff has indicated that it needs more
11 time to evaluate and re-plead its causes of action; and (2) lead defense counsel is scheduled to be
12 in a jury trial beginning on August 24, 2021 (which impacts the timing of the filing of any
13 responsive pleading filed in first to Plaintiff's first amended complaint). Pursuant to LR 26-3, the
14 parties note that this stipulation does not seek an extension of discovery, and no discovery has
15 been conducted due to the current posture of the case. The parties submit this stipulation not for

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purposes of delay, but for the reasons set forth above.

IT IS SO AGREED.

Dated: August 4, 2021

FENNEMORE CRAIG, P.C.

/s/ Shannon S. Pierce

Shannon S. Pierce, Esq. (NV Bar No. 12471)
7800 Rancharrah Parkway
Reno, Nevada 89511

Attorneys for Defendants

Hargett Materials, Inc., Jon Hargett, Tom Martin,
Leanne Martin, and Knights Consulting & Technical
Services, Inc.

Dated: August 4, 2021

WOODBURN AND WEDGE

/s/ Shay L. Wells

Dane W. Anderson, Esq. (NV Bar No. 6883)
Shay L. Wells, Esq. (NV Bar No. 12130)
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Attorneys for Plaintiff

For good cause based upon the parties' stipulation as set forth above, the parties' stipulation is hereby GRANTED.

DATED this 5th Day of August 2021.



MIRANDA M. DU
CHIEF U.S. DISTRICT JUDGE

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